

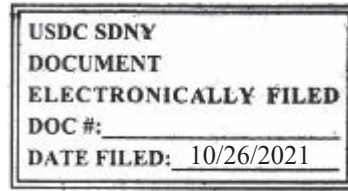
OLSOFF | CAHILL | COSSU LLP

3 WATER STREET
Ellenville, NY 12428

2021-October-25

By ECF

Hon. Alison J. Nathan
United States District Court Judge
40 Foley Square, Courtroom 906
New York, New York 10007



Re: *Sotheby's, Inc. v. Thut, et al.*; No. 21-CV-6574 (the "Action")

Dear Judge Nathan:

On behalf of Plaintiff Sotheby's, Inc. ("Sotheby's"), we request an adjournment of the initial pretrial conference (the "Conference"), currently set for Friday, November 5, 2021 at 3:15 p.m.

The Complaint was filed on August 3, 2021. (ECF No. 1.) In order to serve Defendant FAAM, LLC ("FAAM") via the Florida Secretary of State, Sotheby's sought and obtained an Amended Summons on September 7, 2021. (ECF No. 12). The Amended Summons was served on FAAM through Florida's Secretary of State on September 13, 2021. (ECF No. 15.) Service is now complete. FAAM has not answered the Complaint and no attorney has appeared in this Action on FAAM's behalf.

Sotheby's has been unable to serve the two individual defendants, Frederic Thut and Bettina von Marnitz Thut (together, the "Thuts"). Sotheby's has made several attempts to serve the Thuts personally at 600 North East 27th Street, Apt 2501, Miami FL (the address that the Thuts previously identified to Sotheby's as their home address). Sotheby's has also researched other possible addresses for the Thuts and attempted service at the various locations that FAAM claims to operate its business out of. Sotheby's will therefore soon make a motion to this Court for permission to serve the Thuts through substituted service.

Because FAAM has not appeared, and the Thuts have not yet been served, Sotheby's respectfully requests that the Conference be adjourned until such time as the Court has ruled on Sotheby's forthcoming motion for substituted service, so that all parties can be joined in advance of, and appear at, the Conference.

We are available to provide further information to the Court as the Court deems necessary or helpful.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Cossu".

Paul Cossu

The conference scheduled for November 5, 2021, is adjourned pending the resolution of Plaintiff's forthcoming motion for substituted service. Plaintiff shall file a status update on its service to Defendants by December 9, 2021.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

10/25/2021